

REMARKS

This is in response to the Office Action dated October 22, 2003. Claims 1-20 are pending in the application and have been rejected. Applicants respond to the Office Action as follows:

Response to Objection to the Title

The title of the invention was objected to on the basis that it is not descriptive. Applicants have amended the title and accordingly, reconsideration and withdrawal of the objection with respect to the title are respectfully requested.

Response to Objection to the Specification

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter, in particular, an energizable length dimension differential as recited in claim 1, line 7. Claim 1 as amended does not recite "an energizable length dimension differential and accordingly, reconsideration and withdrawal of the objection to the specification are respectfully requested.

Response to Claim Rejections - 35 U.S.C § 112

Claims 6-18 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 6 has been amended to recite a suspension portion including a bending portion between a proximal and distal end of the suspension portion and thus claim 6 as amended provides support for a flexure element having a first end coupled to the suspension portion proximal of the bending portion and a second end coupled to the suspension portion distal of the bending portion. Claim 13 has been amended to delete reference to proximal and distal ends. Based upon the foregoing,

reconsideration and withdrawal of the rejection of claim 6 and dependent claims 7-14 are respectfully requested.

Claim 15 has been amended to delete "distally spaced" on line 9 of claim 15. Accordingly, reconsideration and withdrawal of the rejection of claim 6-18 under 35 U.S.C. § 112, second paragraph are respectfully requested.

Response to Claim Rejections - 35 U.S.C. § 102(e)

Claims 1, 2, 4-16, 19 and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Schar. Claim 1 has been amended to recite a flexure element formed of a shape memory material as set forth in canceled claim 3 which was indicated to be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 as set forth in the Office Action. Claims 2, 4-5 are dependent upon claim 1 and allowance thereof is respectfully requested.

Claims 6 and dependent claims 7-14 as amended recite a flexure element formed of a shape memory alloy material having an elongated length extending across a bending portion which as recited is not taught nor suggested by Schar.

Claim 15 and dependent claims 16-18 as amended recite a fly height controller including a flexure element formed of a shape memory alloy energizable to adjust flexure of a suspension or portion to adjust a fly height of a head which, as amended, is not taught nor suggested by Schar. Accordingly, reconsideration of claims 15 and dependent claims 16-18 are respectfully requested.

Claims 19 and 20 have been canceled and new claims 21-25 have been added for consideration.

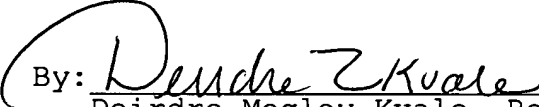
Favorable consideration and allowance of pending claims 1, 2, 4-18 and 21-25 are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By:


Deirdre Megley Kvale, Reg. No. 35,612
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

DMK/lah